

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

)

UNITED STATES, *ex rel.*,)

DILBAGH SINGH M.D.,)

PAUL KIRSCH, M.D.,)

V. RAO NADELLA, M.D., and)

MARTIN JACOBS, M.D.,)

)

Plaintiffs,)

v.)

)

BRADFORD REGIONAL MEDICAL)

CENTER, V & S MEDICAL)

ASSOCIATES, LLC,)

PETER VACCARO, M.D.,)

KAMRAN SALEH, M.D., and)

DOES I through XX,)

)

Defendants.)

)

Civil No. 04-186 Erie

Order Setting Response and Hearing

Fact discovery in this case ended on September 4, 2007, however there are several outstanding discovery disputes currently pending before the Court. Defendants Bradford Regional Medical Center's ("BRMC"), V & S Medical Associates, LLC, Peter Vaccaro, and Kamran Saleh have filed A Joint Motion to Compel Relators to Answer Deposition Questions and Produce Documents on the date set for the close of discovery. (Doc. 85.) The parties are also disputing whether the Relators are permitted to depose BRMC's counsel, Daniel Mulholland, Esquire. Although not a discovery dispute, it is also apparent that the parties disagree about the parameters of their protective order with respect to the sealing of documents or portions of documents.

The Relators have not yet filed a Response to the Defendants' joint motion and we will set a response date in this Order.

With regard to the Relators seeking to depose attorney Mulholland, the Relators state in their pleadings that they agree with the Court's August 28, 2007 Order in which we granted without prejudice BRMC's motion to quash the subpoena of attorney Mulholland. However, they continue to press for his deposition on other grounds. BRMC has filed a Reply to the Relators' argument.

Curiously, BRMC states in footnote 2 in their Reply that the "fact that fact discovery is now closed is another reason why Relators should not now be permitted to seek fact discovery from BRMC's counsel." While we reject that argument, we wonder if Defendants would agree that it would also be a reason to deny their Joint Motion to Compel Relators to Answer Deposition Questions and Produce Documents? We note that for unknown reasons neither the Relators nor Defendants have yet thought it necessary to file a motion to extend fact discovery in this case, despite the obvious need for such an extension..

Strictly speaking fact discovery is closed, and the Court is bound to set a post-discovery conference in this case no later than October 4, 2007. (See Doc. 67, ¶ 3.) Instead, we will set a hearing to address the following issues:

1. Defendants' Joint Motion to Compel Relators to Answer Deposition Questions and Produce Documents;
2. Whether Relators should be permitted to depose any attorneys in this case;
3. The parties' disagreements regarding the sealing of documents; and
3. Setting a discovery schedule.

The parties should be fully prepared to argue their positions at this hearing, as well as propose a jointly agreed upon discovery schedule. The hearing will be held in the Federal Courthouse, 17 South Park Row, Erie, Pennsylvania, 16501. Because of the obvious communication problems in this case and the legal fencing occurring on paper, all counsel are required to be present for this hearing. The United States chose not to intervene in this action and is not involved in any of the instant issues. Therefore, the attorney for the United States is not required to be present at this hearing.

The following Order is hereby entered.

AND NOW, to-wit, this 12th day of September, 2007, it is hereby ORDERED, ADJUDGED, and DECREED that a hearing is set for Tuesday, October 2, 2007, at 9:30 A.M. in Courtroom A of the Federal Courthouse, 17 South Park Row, Erie, Pennsylvania, 16501. Ninety minutes will be set aside for the hearing.

IT IS FURTHER ORDERED that the Relators shall file a response to Defendants' Joint Motion to Compel Relators to Answer Deposition Questions and Produce Documents no later than October 18, 2007.

Maurice B. Cohill, Jr.
Maurice B. Cohill, Jr.
United States District Court Judge

cc: Counsel of Record